

AARON D. FORD
Attorney General
MARIANA KIHUEN (Bar. No. 12241)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Avenue, Ste. 3900
Las Vegas, Nevada 89101
(702) 486-3792 (phone)
(702) 486-2377 (fax)
MKihuen@ag.nv.gov
Attorneys for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOMMY STEWART,

Petitioner,

vs.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No.: 2:21-cv-01490-APG-BNW

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE
RESPONSE TO SECOND AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS (ECF NO. 15)**

(SECOND REQUEST)

Respondents move this Court for an enlargement of time of 30 days from the current due date of August 8, 2022, up to and including September 7, 2022, in which to file their response to Tommy Stewart's Second Amended Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 15). This motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents for the response and the request is brought in good faith and not for the purpose of delay.

DATED: August 5, 2022.

AARON D. FORD
Attorney General

By: /s/ Mariana Kihuen
Mariana Kihuen (Bar. No. 12241)
Deputy Attorney General

DECLARATION OF MARIANA KIHUEN

I, MARIANA KIHUEN, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Tommy Stewart v. Calvin Johnson, et al.*, Case No. 2:21-cv-01490-APG-BNW, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The deadline to respond to Stewart's second amended petition is August 8, 2022.

4. I have been unable with due diligence to timely complete the response herein.

5. The case was reassigned to me when I joined the Post-Conviction Division on February 7, 2022. I filed a Notice of Appearance on February 11, 2022.

6. I have been working diligently on this case and other Federal and State habeas petitions, including *Justin Edmisten v. William Gittere* (Case No. 3:22-cv-00118-RCJ-CLB), *Jesse Noble v. State of Nevada* (Case No. 83024), *Antoine Holston v. State of Nevada*, (Case No. A-22-853751-W), *Cory Bellante v. State of Nevada* (Case No. A-22-855228-W), and *Petition for Interstate Rendition of a Material Witness (Anthony Loy Aragon)* (Case No. C -22-366960-P) .

7. I underwent medical surgery on July 19, 2022 and have been unavailable to work on this petition since then. I am experiencing a slower recovery process than initially expected.

8. Counsel needs additional time to draft a Response and to get final review and approval from the supervising Senior Deputy Attorney General.

9. On August 5, 2022, counsel for Stewart, Assistant Federal Public Defender Kimberly Sandberg, indicated by email she did not oppose this request.

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3	Executed on August 5, 2022.
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4	<u>/s/ Mariana Kihuen</u>
5	Mariana Kihuen (Bar No. 12241)

8	IT IS SO ORDERED:
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UNITED STATES DISTRICT JUDGE

DATED: August 8, 2022